

# School Board of Brevard County

2700 Judge Fran Jamieson Way • Viera, FL 32940-660

Mark W. Mullins, Ed.D., Superintendent



February 11, 2019

**Letter of Appeal Request (page 1 of 2)**  
**Form 471 Application Number: 161005862**  
**Funding Request Number: 1699069901**

**Subject: CC Docket 02-6, Letter of Appeal**  
**Funding Year 2016 Form 471**  
**Vendor Evaluation Process Denial**

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Please allow this letter of appeal to detail circumstances in order to grant approval specific to the following commitment decision letter denial:

Appellant Name: Brevard County School District  
Applicant BEN Number: 127700  
Form 471 Application Number: 161005862  
Funding Request Number: 1699069901  
Service Provider: BellSouth Telecommunications  
SPIN# 143004824

Administrator's justification to fund the Funding Year 2016 request is as follows:

*"The record shows that the winning vendor was not selected in accordance with the vendor evaluation process described in the vendor selection documentation provided by Brevard County School District (the District) during the review of their FCC Form 471 application. Although price of the eligible products and services was given the highest weighting, the vendor selection worksheets provided were not scored for each vendor using the criteria indicated in the evaluation criteria and process provided in a prior response. The District did not adhere to their own criteria in the vendor selection process. The evaluation documentation provided on appeal shows Bright House to be awarded the most points in the evaluation, however, the District failed to choose that vendor. Hence, the District did not adhere to their own process."*



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## Letter of Appeal Background

The Universal Service Administrative Company (USAC) reviewer properly identified a concern of the Commission's competitive bidding requirements of which had no authority to interpret or rule upon. The vendor evaluation portion of the competitive bidding requirement is the point of concern. USAC denied Brevard County School District's (BCSD) Funding Request Number (FRN) 1699069901 specifically on requested 2016 vendor evaluation grid. (Please see pages 4 – 6 on Attachment 1). The denial was based only on vendor evaluation grid which was under protest. The actual application was made under different competitive process based on a voluntary contract extension allowed by Florida procurement laws.

## BCSD Applicant Contract Award Process

In accordance with Commission's competitive rules, BCSD issued Form 470 #903340001187474 RFP#14-P-081-WH for Telecommunications Wide Area Network Services on 12/23/2013. The process was vendor protested which created an administrative process which would exceed the application filing deadlines. To comply with both Commission and State procurement laws, BCSD School Board approved a voluntary contract extension approval for contract #FL08-3566-06 on 3/15/2016. (Please see Attachment 2). The State of Florida Statute 287.057 allows for contract extensions based on uncontrollable events. (Please see Attachment 3).

FCC Form 471 #161005862 specific to FRN 1699069901 has correctly referenced FCC Form 470 #187720000685555, bid solicitation ITN#09001/JO, contract #FL08-3566-06, award date and service start dates. (Please see pages 8 -9 on Attachment 4). The reviewer's denial was based on FCC Form 470 #903340001187474 specific to RFP#14-P-081-WH.

## Applicant Appeal Justification

The complication of the new interrupted competitive process requires review of Commission authority. BCSD hereby, clarifies the depth of the competitive process compliance exceeds the vendor evaluation criteria review catalyst. BCSD reiterates that the 2016 FCC Form 471 #161005862 application has been consistently reflected specific to FRN 1699069901. Further, BCSD has complied with both Commission and State Local procurement laws for program participation. BCSD respectfully requests that this letter of appeal be granted specific to 2016 Form 471 Application Number 161005862 specific to FRN 1699069901.

I attest to the above information for accuracy and verification of those actions for appeal consideration.



Tom Fitzgerald, Director  
Information Technology

2/11/2019

Date

